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DIV. OF OIL, GAS & MINING
BEFORE THE DIVISION DIRECTOR
OF THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

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INFORMAL HEARING
IN THE MATTER OF VALLEY ASPHALT, INC., EKINS EAST PROJECT

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Thursday, January 28th, 1999, an informal hearing before the Division Director of the Division of Oil, Gas and Mining was conducted at the Council Hall, 74 West 800 South, Genola, Utah.

Reported by:
Scott M. Knight, RPR

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PROCEEDINGS

MR. BRAXTON: Let's open the record for the hearing on Valley Asphalt, Inc., Ekins East Project. This is the time for citizens that are concerned with specific provisions of the permit action that's before the Utah Division of Oil, Gas & Mining to voice those concerns. We've had a good discussion on a variety of different issues earlier. We've talked about blasting. We've talked about truck traffic. We've talked about air pollution-type issues. And I'd welcome citizens in the room to voice concerns that they have specifically with Division of Oil, Gas & Mining's permit.

MR. WILSON: Let me just give a brief report, before you begin, on the concern and the extent that the citizens have here has gone to the point they have two actions pending right now on this application -- not this one, but with the county.

The first is before the Board of Adjustment for an appeal to stay their decision that was made in December. And they'll be working on that this coming week. And they've also gone to the Fourth District Court and appealed to them for review of that decision also. So I want you to know that the level for community support for those actions is real high, and that they're pursuing other avenues to stop the process going on.

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APPEARANCES

Lovell P. Braxton, Division Director
Mary Ann Wright, Associate Director, Mining Programs
Jaime Hedberg, Permit Supervisor
Lynn Kunzler, Senior Reclamation Specialist
Brent Sumsion, Valley Asphalt

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MR. BRAXTON: Thank you. Would you give your name for the record, please.

MR. WILSON: David Wilson.

MR. BRAXTON: Thanks.

MR. SEELEY: Yes, sir. Mine is Earl Joseph Seeley. I'm a consulting horticulturist representing Rowley Cherry Hill Farms, West Mountain Orchards, and Allred Orchards in Utah County.

And we are concerned that the standards and operating procedures outlined in the standard operating plans are not stringent enough as far as they address the fugitive particulate control in that in the mining and processing operation, if adequate water is not utilized in several stages, appreciable quantities of particulate can be released into the atmosphere, and many of the peach and sour cherry and apple orchards of these parties -- and I guess I could add melons and flowers to that also -- can be adversely impacted.

And we feel that it needs to be part of the public record that the annual cash operating expenses of an orchard -- of an apple orchard will run between 2,000 and \$3,500. And we have seen cases where fugitive particulate have interacted with the biological pest control and integrated pest management systems in the orchards, resulting in a total crop loss, and it has led

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1 to out-of-court settlements and suits, one in this valley
2 just north of Utah Lake from last summer, basically --

3 And I don't know whose apples these are on the
4 table, but they're illustrative. Took 35-acre orchard of
5 Mitchell's, and instead of having the color of fruit in
6 the basket on the audience's right, had the color of the
7 fruit in the basket on the left. And as a result, the
8 Mitchell's were -- the fruit in the basket on the left,
9 from a commercial standpoint, has about a \$18-a-ton value
10 delivered at Selah, Washington. In other words, it isn't
11 worth picking. The fruit on the right paid off the cash
12 operating expenses for grovers in the valley -- or will
13 pay off the cash operating expenses, and give them about
14 a three- to four-hundred-dollar-per-acre return.

15 So the dollar amounts of this -- involved in
16 this fugitive dust issue in the orchards in this end of
17 the county is very significant. And we feel like it
18 needs to be part of the public record, and would ask that
19 the Department of Mining, along with the Department of
20 Air Quality, police that problem and not leave it to the
21 orchardists to police it and seek redress.

22 Thank you.

23 MR. BRAXTON: Thank you.

24 Yes, sir.

25 MR. RILEY: My name's Alan Riley. And I'm

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1 mention it, and it seems that within a day that they do
2 replace those bags or whatever it is that they do. But
3 again, as Dr. Seeley mentioned, it's a real hassle if we
4 are the ones that have to continually be the ones to try
5 and police it. And fortunately, they're trying to be
6 good neighbors and do respond when I bring up the problem
7 to their attention.

8 MR. BRAXTON: Thank you.

9 MR. POWERS: I'm Lynn Powers. I have an apple
10 orchard too. Maybe I could expound on it a little bit.
11 We have apples, cherries, and peaches. Dust in every
12 shape or form, no matter where it comes from, is a
13 detriment to our crops. It come from driving through our
14 orchard. It -- we plant grass in the trees so that we
15 don't have dust, so we don't create dust.

16 It's like building a house over us and then
17 turning the temperature down to 40 below. We can
18 survive. And that's in an ideal situation. It's like
19 that with the nites. The dust forms a canopy over the
20 leaf and it creates a ideal habitat or a home for them.

21 Where you get -- get pesticides in adequately
22 or -- it's cost prohibitive when it gets to that point,
23 and then it spreads from my orchard to the next orchard
24 to the next orchard by the wind. They just lay their
25 eggs, and bam, just thousands and thousands of eggs a

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1 also a fruit farmer in the area. Just want to -- I don't
2 want to tread the same ground, just echo what Dr. Seeley
3 said. Maybe as a matter of clarification, the numbers
4 that he gave you -- I don't know if he said it was on a
5 per-acre, but that's on a per-acre basis.

6 MR. SEELEY: I meant to. Sorry.

7 MR. RILEY: And just to emphasize one point,
8 air quality is, of course, a concern because of the
9 issues that he just mentioned. My orchard is right
10 adjacent to the Kelgley quarry, and have farmed next to
11 it for a number of years, and have had a -- for the most
12 part, a good working relationship with them, trying to be
13 good neighbors.

14 But we have had problems with -- particularly
15 with their dust mill at times, where it -- their bags or
16 whatever it is that they use at certain times. They will
17 really emit a considerable amount of dust. And it will
18 cover those trees with just exactly as what you can see
19 with the apples, and certainly with peaches, where -- I
20 have peaches at one time. Make the peaches pretty
21 unsellable because everybody looks at that dust film on
22 peaches and assumes that's pesticides, and so they're not
23 going to touch it. So I just make that comment.

24 I will say that the Kelgley quarry has been
25 good to respond when that happens. I stop in and I

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1 day.

2 It does create a problem with the fruit. It
3 won't color. It won't size. In the tree, it reduces
4 vigor. The nites suck out the chlorophyll out of the
5 leaves. They can't take the photosynthesis, so they
6 don't get the sunlight. And it affects next year's crop,
7 which is a very big expense we have. And when this dust
8 does have a problem like that, it's not this year but
9 it's next year also.

10 We've had some problems already with the
11 quarry up here, more than several occasions. Typically,
12 one Saturday I came home from Salt Lake with a load of
13 produce, and I could see it blowing -- it was a south
14 wind blowing. I could see it from Santaquin. I could
15 see their quarry. You could see right into it. And dust
16 was just boiling up in, out of that, and it went right up
17 over the mountain, down and clear past my house. And I'd
18 say it went three miles, that dust plume out of that
19 quarry. It was a Saturday. I don't think anybody was
20 there watering it down, or if they was, the wind was
21 kicking it, drying it out faster than they was getting it
22 watered.

23 If they're going to have an operation there,
24 they really need to police it closely because we have a
25 very -- it's a very detrimental thing to our industry as

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1 far as fruit. We can't allow fugitive dust to inundate
2 our crops. It's -- it's just like taking a torch and
3 blowing -- putting fire on them, or the temperature. Or
4 during pollinization times, it will cause problems with
5 it. The bees won't work correctly.

6 And I've talked to some of the beekeepers, the
7 state beekeeper president, and he has some real problems
8 with this. He's wrote a letter to you folks on it. He
9 wasn't able to be here tonight, but he's concerned about
10 it. There's other beekeepers here in the crowd.

11 We go into the -- the emissions that they're
12 going to put out on their asphalt plant, and I guess you
13 guys don't have anything to do with that, or do you?

14 MR. BRAXTON: Not on the air quality end of
15 the asphalt plant.

16 MR. POWERS: So we don't want to deliberate on
17 that.

18 MR. BRAXTON: If you have something you'd like
19 to read into the record on that, I'd encourage you to do
20 it.

21 MR. POWERS: Okay. Brent says there isn't no
22 pollution that comes off and -- I thought I heard him say
23 tonight. In a Utah Division of Environmental Quality
24 inspection and operation report dated 6-5-87, which was
25 this June -- last June -- to Valley Asphalt, the

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1 particulates which have been shown to aggravate
2 respiratory systems in the elderly, young children, and
3 those with respiratory ailments.

4 SO₂, or sulfur dioxide, combined with moisture
5 in the air to form sulfuric acid, or what is referred to
6 as acid rain. I think most of us have heard about that.

7 NO_x, or nitrous oxides, are chemicals that will
8 create -- the atmosphere create a brown haze or brown
9 cloud when combined with moisture, exposed to light.

10 I make note, sulfur dioxide and nitrous oxides
11 are chemicals that create or deteriorate our ozone layer,
12 which we're trying to solve by stopping us from using
13 Freon in our air conditioners or in our cars.

14 Volatile organic compounds consist of
15 chemicals such as formaldehyde, benzene, toluene, xylene,
16 acetaldehyde. Many of these compounds are known to be
17 cancer-promoting as well as contribute to other health
18 problems. In addition to the previous listed pollutants.
19 Asphalt plants can burn used oils which may contain the
20 following contaminants: arsenic, cadmium, chromium,
21 lead, halogenated compounds -- chlorinated, fluorinated,
22 brominated -- and sulfur.

23 In the event of an unavoidable breakdown, the
24 operator or owner can calculate or estimate the excess
25 emissions and report them annually to the Division of Air

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1 following pollutants and amounts which can be released
2 were listed: Up to 67,000 pounds per year of PM₁₀.

3 Okay. And PM₁₀ is a pollutant that we have
4 really bad in the county so far. We're out of federal --
5 federal guidelines now. We can't ever meet that federal
6 guidelines. We've got our cars -- we're on oxygenated
7 gas, so we don't have PM₁₀. We have our diesel trucks.
8 We have to use low-sulfur diesel in them. All this stuff
9 to stop pollution, okay? We can't -- we've way exceeded
10 the federal regulations in the county, okay? So we put
11 another plant here, which is a major contributor. It
12 isn't a minor; it's a major.

13 Okay. They're going to put 67,000 pounds of
14 PM₁₀. They're going to put 245,000 pounds of SO₂, which
15 is sulfur dioxide.

16 MR. SUMSION: These are maximum limitations,
17 right?

18 MR. POWERS: No, these are -- these are
19 guidelines for you. These are your maximums that you
20 should put out.

21 MR. SUMSION: That's what I said.

22 MR. POWERS: 329,000 pounds of nitrous oxide.
23 Engineering estimates show that 34,000 pounds per year of
24 carbon monoxide and 37,000 pounds a year of volatile
25 organic compounds are released. PM₁₀ pollutants are

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1 Quality. So if they have a problem, they can calculate
2 it and turn it in.

3 Apparently, we're not subject to levels of
4 pollutants that have been listed because of the limited
5 scope of the current gravel mining operations. That was
6 at Santaquin.

7 They sent me a whole bunch of pollutants that
8 come out of the operations, and I'd like to give you guys
9 a copy of them that you could take home and study through.

10 MR. BRAXTON: We'll have that entered into the
11 record if you'd like to.

12 MR. POWERS: We'll enter that into the record.

13 MR. STEELE: Lynn, may I ask -- hit on
14 something you said there? The No. 6 fuel oil that
15 they're planning to use in this production of the asphalt
16 plant is a highly un -- what's the word I'm looking
17 for? -- unrefined fuel. And a lot of the toxins that
18 he's talking about right there will be found in this fuel.

19 MR. BRAXTON: Sir, could you identify yourself
20 for the record?

21 MR. STEELE: I'm Dale Steele.

22 MR. BRAXTON: Thank you.

23 MR. POWERS: I imagine the state's lying to
24 us, Brent, about having pollutants.

25 MR. SUMSION: Those things are there, but the

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1 quantities and volume that will cause cancer, okay? are a
2 lot higher than what we produce with our asphalt plant.

3 MR. POWERS: Well, I guess I'm -- I'm probably
4 a bad person to talk to about cancer because my
5 grandmother died from it and my mother has it now and
6 she's having a battle. She's had a battle with it for
7 over ten years. And I guess I have got to see it on the
8 inside more than most people.

9 I had a friend that used to live over by
10 Valley Asphalt, Alan Ludlow. And he always asked me --
11 he says, "I don't know where I got my cancer from." Kind
12 of makes you wonder, by that asphalt plant. He died
13 three or four years ago from cancer.

14 I have a concern about it. And when I go to
15 the state and they tell me that these pollutants cause
16 cancer, I have a real concern. I would rather not see it
17 come and be involved in our livelihood out here. I think
18 life's hard enough without inducing things that cause
19 problems to other people.

20 I know we -- we had some people that came into
21 our fruit industry, our apple industry, particular, a few
22 years ago. We used to use a product called Alar on our
23 fruit, and it would create a redder fruit, and -- which
24 was easier to sell. Everyone likes a prettier fruit, a
25 red fruit. I imagine if I give you guys a choice of

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1 which basket to choose from, you'd sort of magnetically
2 be drawn to the prettier fruit.

3 Anyway, this made our greener apples prettier,
4 our older-style apples. And I'm forgetting how many tons
5 of that stuff that they figured you'd have to eat to
6 cause any damage or cause cancer problem to yourself, but
7 it was really minute. But yet they took that tool away
8 from us as a fruit industry just from the simple chance
9 that it could cause problems.

10 And I don't know. Maybe we're being penalized
11 more than we should. I felt it was a safe product or I
12 wouldn't have used it. I used it myself. I sprayed it
13 and we got along good with it, but we -- we don't use it
14 anymore as an industry. And it hurt our industry for
15 years because it got kind of a black mark to.

16 And I think that's about all I have at this
17 time.

18 MR. BRAXTON: Thank you.

19 Yes, sir.

20 MR. WILLIS: My name's Tom Willis. I am a
21 public school teacher, a science teacher at Payson Junior
22 High. I've been there for 26 years. I have quite a few
23 concerns. Each one of us in this room are penalized
24 every time we buy a gallon of gas in Utah County because
25 of PHIs and carbon monoxide, but yet now, because of

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1 this document, if you will, we are now inviting this into
2 our community to raise it up again so that, once again,
3 as Lynn mentioned, we cannot comply, so we get to -- we
4 get to be penalized some more.

5 I do have a personal concern of the chemicals
6 that we will be breathing because of this particular
7 batch plant. And probably one breath or two breath isn't
8 going to bother anybody. But we were informed a little
9 while ago that we get to breathe this for fifty years.
10 That's a concern to me. That's not every breath for me
11 because I get to go over to Payson. But some of the
12 children that are downwind in this particular area, they
13 get to breathe that.

14 Now, remember, now, I'm not trying to draw any
15 direct connection, but I just want you to hear. The
16 southern part of this state got to be downwind from
17 Nevada, and they were promised everything's okay. The
18 federal government told them that, everything was fine.
19 Well, a few years later they found out it wasn't okay.

20 I am concerned about the groundwater. I
21 mentioned that a while ago, not because -- yes, we do
22 have -- every road gets rained on and it leaches into the
23 ground. No doubt about that. We're talking about a
24 plant, however, that's high concentration, much more
25 concentration.

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1 I'm also -- now also is mentioned Shirl Ekins
2 was quoted as saying we've never had any runoff problem
3 in this area, but that was not where it was denuded from
4 vegetation. We're talking bare rock. That's going to be
5 different. I think there should be some type of real
6 structure, not just a little ditch, but a real structure
7 to collect that -- that runoff water that's going to run
8 across that -- those oils and materials.

9 Those are some of my concerns. That's air and
10 water. And both -- all of us in this room need those
11 things to be as pure as possible. Thank you very much.

12 MR. BRAXTON: Thank you.

13 MS. BEACHER: Go ahead. I believe you stood
14 up first.

15 MS. FOWERS: I'm Sherryl Fowers, and I have
16 some concerns. First of all, I feel like there's a place
17 for everything in this world. I think there's a place
18 for gravel and asphalt, and we need it; and I think
19 there's a place where it shouldn't be. I think we have
20 to work these things out.

21 Right now in Utah County, it's outrageous the
22 number of gravel pits that are operating alone there. I
23 feel like we need to get it out further away from the
24 people. And as I understand, they've been told to remove
25 some of the gravel pits and get them away from the people

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1 and get them out of right downtown.

2 I'd like to mention a little bit -- again,
3 we're orchard people. And we've always raised corn and
4 hay. This dust -- this fugitive dust can also affect the
5 hay crops here in Genola. There's different kinds of
6 mites. It's not dust mites. There's two spotted mites.
7 There's European mites. There's different kind of
8 mites. And this mite can also get underneath the dust
9 and create a habitat there that is just a breeding ground
10 in which this stuff can just flourish quickly.

11 Give you an example. When they built the
12 lagoons in Santaquin, Rowley's was unable to shake their
13 cherries that year. It went on down to us. It affected
14 open shells. It went clear to Payson. This can happen
15 in a matter of not weeks; I'm talking days. What happens
16 when these mites get on the cherries -- this is sour
17 cherry crop -- when the mites get on the cherries, it
18 softens the fruit and they can't even pit it, even though
19 they're picked, put right in water.

20 And so that industry that year, several
21 million tons were not picked because of just the lagoons
22 being made. And that affected two years. That was two
23 years of crops that weren't picked that year.

24 If you'll notice in Utah County, we are
25 probably the number-one natural resource, I guess -- or

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1 this real strong stuff?" And I said, "Because you just
2 don't do that."

3 It's interesting: When you go out and spray,
4 you don't want the ladybugs killed. You don't want the
5 earwigs killed. You don't want certain things, because
6 they're a natural predator to take care of these mites.
7 So we -- now when we spray, we pay high -- the cost of
8 spray is unmountable. It's outrageous what we pay for
9 spray.

10 To give you one example, to take care of the
11 European mite on pears, we have to use a spray that costs
12 us over \$1,100 a pint. That does three acres. We can
13 only apply that spray twice a year. If, for instance,
14 this dust comes down on us, okay? and this is preharvest,
15 when do I get to spray? When am I able to spray? And I
16 can only apply it twice, and I would need to
17 absolutely do it after post-harvest, after going into the
18 orchards, using the tractors and stuff. I need that
19 spray for post-harvest. But if I've had to use it all
20 spring long, what do I do?

21 There is an ecology balance that -- we have to
22 be very sensitive, and this is why this is so important,
23 that these mites are working with our delicate ecology
24 problem that we have here. I am not against gravel
25 pits. I have sons that work with gravel pits. They have

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1 fruit industry, should I say -- for the state of Utah.
2 We used to have a lot in Brigham City, and now, you know,
3 that is pretty much by the wayside. Orchard lanes -- you
4 know, have you noticed how the farms --

5 MR. KUNZLER: I lived there.

6 MS. POWERS: Okay. They're not functioning
7 like they have. I understand next year that Muir Roberts
8 won't accept cherries there.

9 MR. KUNZLER: Yeah, they will.

10 MS. POWERS: Oh, will they? I was told by the
11 plant manager that they probably won't accept them that
12 next year, that they'll probably move them down here, or
13 truck them down to Payson, because the tonnage just isn't
14 there and it's not accessible for them to run them.

15 There's a lot of ecology that's put into
16 raising fruit. You know, we're really scientists. It's
17 kind of -- you have to have an equal balance to -- when
18 you're raising fruit. Say, for instance, in old times,
19 when my dad raised fruit, he'd go out and he'd spray
20 everything with a lead and arsenic base and it'd kill
21 everything, okay? It would wipe out spiders and
22 everything else.

23 I had to laugh at my neighbor. Last year she
24 said, "Boy, I wish Lynn would spray. I can't deal with
25 all these spiders in my house. Why doesn't he spray all

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1 trucks. They have belly dumps. But there's a place for
2 them.

3 I travel the country. I see other areas where
4 these are on the outside-lying areas. These roads need
5 to be built so they're not right downtown, school yards.
6 They have their own private roads that take them, to put
7 them on the interstates. And I feel that that is
8 something that -- we really need to address it more
9 seriously rather than saying we can only drive three
10 miles away.

11 I travel every week to Montana and
12 California. It's nothing for 4,000 miles for him to go,
13 in seven days, to get rid of my produce and work hard.
14 And I'm -- I -- I really feel like what is another ten
15 miles, what's another fifteen miles if they have to,
16 okay? I'm not against them, but we have got to work with
17 this balance in nature.

18 Another thing, somebody says -- I've always --
19 I've always felt like the best -- probably the best study
20 -- you know, Brent can get up and he can say this and
21 this and this and this is going to happen and this is
22 going to happen, but I really like to go back and look at
23 the record, pull up data, look at the history, and go
24 talk to the people that's lived around there.

25 In Spanish Fork, it was quite interesting to

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1 me, as I talked with the people that's been living there,
2 I asked what some of the effects that you have felt that
3 Valley has caused you. And one of the neighbors was
4 really upset because every morning at four o'clock their
5 windows on their house rattle. And they can't sleep as
6 soon as it's four o'clock because of the noise. The
7 noise causes their windows to rattle. And there's not a
8 lot, I guess -- they can make everybody's windows rattle
9 if they want to.

10 Another thing -- something that is quite
11 surprising to me was, they said that when they would get
12 upset, one lady said they woke up one night and it was
13 just terrible, and she called the police. And, in fact,
14 the police went right into her bedroom and walked in
15 there, and there was so much smoke even in her bedroom
16 she wasn't able to breathe. She couldn't stand it. And
17 he said, "I don't know how you even live in this house."

18 When the Board of Adjustments let them have or
19 -- you know, when they have awarded them to go ahead and
20 put this up here, there's not a stipulation on them of
21 how many hours they work, what days they'd work, or
22 anything has ever been put on them. We need to have that
23 monitored, particularly during the summer months. These
24 people in Spanish Fork are really complaining about that.

25 MR. BRAXTON: Could you explain that for me a

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1 they're long fibers so they get stuck in your lungs. And
2 that's why there's asthma and other bronchial problems
3 that come about. I had asthma for years, and I had -- I
4 -- it's a terrible, terrible thing to feel like
5 somebody's got -- is trying to choke you to death and you
6 can't breathe.

7 The other thing is, the people was upset that
8 -- when they said, "Okay. We've got to have somebody
9 come out and monitor Valley." So they'd call the city,
10 and then when they called the city, the city would say,
11 "Oh, it's not our responsibility." We'd call the
12 county. Well, they called the county. Well, it's not
13 their responsibility. They called the state. They
14 called the state, and it's not the state's
15 responsibility; it's the federal. So everybody passed
16 the buck, but yet Valley had to pay all these permits and
17 everything but nobody was going to take upon themselves
18 to go out and police the situation.

19 So finally, we talked with the state, and it
20 sounds to me like the state has to come down. And it's
21 not the state people; they hire somebody to come down and
22 police it when it's at their convenience. And -- and I
23 -- that could be many hours after a situation of -- over
24 being polluted.

25 Another thing that really affected me by

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1 little bit? Are you concerned about the blasting
2 schedule or are you concerned about the operating
3 schedule for the mine?

4 MS. POWERS: Operating schedule, then plus the
5 asphalt burning for the asphalt. There should only be so
6 many hours of that burning so it could cool off. They
7 say it gets so muggy.

8 The other point I have, another farmer that's
9 on the planning and zoning commission on Utah County --
10 and he says to me, "You know, Sherryl" -- when it gets
11 real cold we have wind machine towers, and when the
12 weather drops down to 10 below or 20 below, we go out and
13 we climb up those towers and we start it up so we can get
14 an air inversion. If we don't, our trees die. They get
15 frozen. So there's lots of times we've done that.

16 And he says, "You know, if you get an air
17 inversion, and the way that valley sits, you're not just
18 going to have smoke. You're going to have those
19 particulates that are going to come down on you, and it's
20 going to be a haze and it's going to stay because it will
21 be a pocket that will drop here."

22 The other part that bothers me about it, if
23 you'd study some of these papers that I handed you, and
24 if you want to know more about these particulates,
25 they're not round so -- where your lungs can expel them;

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1 talking with these people was: There's five people
2 within six blocks from where Valley sits right now.
3 These five people all live on one corner. Five of these
4 people have got cancer. Two of them died already. And
5 they really feel like this has come from the asphalt plant.

6 And I feel like we really need to have the
7 state-of-the-art machine. I don't think we need to have
8 the Spanish Fork one come out here. I don't think it's
9 updated enough. We were promised in the beginning that
10 it would be a brand new, state-of-the-art. And I don't
11 want just an air bag on there. I want a brand new,
12 state-of-the-art that was promised. And I feel like we
13 need to really look at these -- these issues. It's
14 important.

15 MR. BRAXTON: Thank you.

16 Yes, ma'am.

17 MS. BEACHER: Just one more time real quick,
18 I'm Cecilia Beacher. I wanted to add too: This is my
19 personal opinion. I don't have any proof of it or
20 anything. But we lived in California. My husband worked
21 as a cement -- he was a batch plant man. He filled the
22 trucks and things. Of course, I know this is cement.
23 And I had occasion to go to the plant with him and be
24 with him a lot of times and everything. And even in,
25 like, the cement -- I don't know what the ready cement

25

1 is, but I do know the dust from the cement -- my husband
2 basically quit working there because of it, because he
3 started coughing and he was always having to clear his
4 throat and this and that.

5 Well, okay. He finally got out of that
6 industry and went back to his old industry. And I -- I
7 just always had a feeling nobody ever said that, because
8 they'll always tell you they don't know. But he has
9 cancer now of his liver too. But he had nasopharyngeal
10 cancer, which is deep inside your nose, deep inside your
11 head. And that seems to be the place where he always had
12 the problem as far as doing that. It wasn't in his
13 lungs. It was not in his lungs. Today it's in his liver
14 now. In fact, he's not got a good future here at all.

15 But I just wanted to say that because I felt
16 -- I've always felt over the years that's where it
17 started, just living with him and watching him. And, of
18 course, there's no proof. And then when he did finally
19 find out about the cancer in his throat, his pharyngeal
20 area, the very first question they asked was, "How close
21 to the freeway do you live?" And we lived in Harbor
22 City. I don't know if -- by Torrance. We lived around
23 all the oil plants. We were just surrounded by them
24 because he had to be close to the docks then. And we
25 were right next to the freeway. We weren't too far from

26

1 it, which I know doesn't maybe have anything to do with
2 this, but it's all the same kind of chemicals, I would
3 say. And I really feel -- I feel really -- that's one
4 reason we moved away from there.

5 And another thing I'd like to mention too, a
6 couple of you mentioned, I think it's kind of awful that
7 one business, just because they happen to have a little
8 more money or something, can take precedence over another
9 business such as the fruit growers. I know we need these
10 things, but why do we have to have them and hurt and
11 sacrifice a bunch of people on the way? Maybe we can
12 figure out something else.

13 MR. BRAXTON: Thank you.

14 Are there any other specific comments towards
15 this permit?

16 MS. KRAUT: My name's Beverly Kraut. And I
17 just wanted to add to the health issues that everybody's
18 been talking about. They -- everybody I talk to would
19 never -- health officials -- they would give me their own
20 opinion, but they wouldn't -- that they thought it was
21 bad and that it caused things, but they would not commit
22 to a -- you know, to say yes, it does.

23 I know for a fact it does because it's too
24 hard -- it's too hard to know. And they would say that
25 it doesn't get into the blood, it stays in the lungs, but

27

1 the -- who are they? Let's see. The American Lung
2 Association --

3 Do you want to give that to them?

4 -- they said in there that one of the
5 pollutants can cause effects on a newborn baby or on an
6 unborn baby and newborn babies. So if it doesn't get
7 into the blood, how would that happen? That has to go
8 through the blood.

9 So when he acts so lax about it, it makes me
10 concerned that they're not going to be very careful or
11 they're not going to -- you know, they probably will,
12 because they're under regulation, but it's just
13 concerning to me what -- how good the regulations really
14 are. Like -- like, years ago, DDT was all right.
15 Extensive tests, and then now you can't even find it
16 because they found out what it did to the kids.

17 And that's another thing that concerns me.
18 Some of the PM10s get into your lungs and they stay
19 there. You can't get them out. So what's that doing to
20 the kids?

21 You know, they admit -- even health officials
22 admit that pneumonia is way -- way -- it's way worse, you
23 can die if you've been around this when you get -- if you
24 get pneumonia or any other lung diseases. And so if it
25 stays in your lungs, to me, that makes me concerned

28

1 because when they grow up and they get pneumonia, or that
2 stuff's still there whether they move to Timbuktu or not,
3 they're still going to be affected by it. So that's
4 another concern I have.

5 And what else? What do I want to say? They
6 also -- in that lung association, they say that people
7 with heart and lung disease die prematurely, which I
8 don't think is too fair.

9 And I think everybody else has said what I
10 wanted to say, so -- oh, there's a book called PLV -- the
11 PLV booklet, and Ted Anderson up at the Division of Air
12 Quality has that booklet. I couldn't get up there and
13 get it. It's a size that he couldn't fax to me. But it
14 has all the numbers of the tests that they ran on rats,
15 and cancer that it caused. It's called PLV. Thanks.

16 MR. BRAXTON: Thank you.

17 Is there anybody else that would like to be
18 heard in this matter?

19 Well, thank you all for coming. I think we'll
20 conclude the hearing on that basis and go off the record,
21 then. Thanks very much for your time and the attention
22 that you've given this issue.

29

CERTIFICATE

State of Utah)
County of Utah) ss.

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, SCOTT M. KNIGHT, a Registered Professional Reporter and Notary Public in and for the State of Utah, residing at West Jordan, Utah;

That said proceedings were reported by me in Stenotype and thereafter caused by me to be transcribed into typewriting and that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages numbered from 3 to 28, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said proceedings, and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at West Jordan, Utah, this 3rd day of February, 1993.

Scott M. Knight, RPR
Utah License No. 82-118171-7881

My Commission Expires:
June 19, 2000

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